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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/504,803
Filing Date: February 16, 2000
Appellant(s): EDELSTEIN ET AL.

Wesley W. Whitmyer, Jr.
(Reg. No. 33,558)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed April 28, 2008 appealing from the Office action mailed February 11, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

4,823,265	NELSON	4-1989
6,477,509	HAMMONS et al	11-2002

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(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10-30 & 32-56 are rejected under 35 U.S.C. 103(a) as being unpatentable

Nelson (US 4,823,265) in view of Hammons (US 6,479,509)

Re claims 1, 3-6, 11, 23, 34, 38, 39, 41 and 42:

Nelson discloses a system for facilitating the processing and management of a securities trade comprising:

a computer (see Nelson, figs. 1& 2, col. 3, 11.4-19);

trade execution information *supplied by a first trading party and* received by the computer (see Nelson, col. 1, 11.60-66), said trade execution information indicative of an executed trade by *the* first trading party (*buyer*) and comprising party supplied data elements *concerning the conditions of the* ordered trade itself(see Nelson, col. 1, 11.60-66; col. 4, 11.21+);

trade allocation information received by the computer, the trade allocation information indicative of an ordered trade by a second trading party (*seller*) and comprising trade data concerning one or more details of the ordered trade itself(see Nelson, col. 3,11.7+);

a set of predefined acceptable trade parameters/profiles (see Nelson, figs. 4a-d, col. 3, 11. 5+; col. 4, 11.21+); and

software for determining that a match exists if the trade data contained in execution information and the *party supplied data elements*" correlate within the set of predefined acceptable trade parameters (see Nelson, col. 1, 11.48-55; and col. 9, 11.29-41; and col. 15, 11. 41+).

Nelson fails to disclose software executing on the computer for comparing the party *supplied data elements*" contained in said execution information with the trade data contained in the trade allocation information.

Hammons discloses software executing on the computer for comparing the party *supplied data elements* contained in said execution information with the trade data contained in the trade allocation information (see Hammons col. 4, 11. 15+). Since Nelson does use certain information to match buyers and sellers (see Nelson col. 3,11.7-10; col. 9, 11.29-41), it would have been obvious for an artisan of ordinary skill at the time of the invention to compare the party supplied data elements contained in said execution information because an artisan at the time of the invention would have desired to use the latest technology to accommodate buyers and sellers with various forms of information that would be useful to make secure trades. Thus such a modification would have been an obvious expedient well within the ordinary skill in the art.

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Re claim 2:

Wherein the set of predefined acceptable trade parameters is dependent of the identities of the first trading party and the second trading parties (see Nelson, col. 1, 11.60-66; col. 4, 11.21+).

Re claims 7, 29:

wherein if a match is not found to exist, software executing on the computer generates and transmits an exception notification to the first trading party and the second trading party informing them that an exception has been detected, and further comprising software executing on the computer for receiving an instruction for exception processing from at least one of the first trading party and second trading party, and for processing the exception according to the instruction for exception processing (see Nelson, col. 1, 11.60-66; col. 4, 11.21+).

Re claims 8, 30:

the instruction for exception processing comprises instruction to reject the match, and wherein the system terminates processing of the trade (see explanation for claims 1, 3-6, 23, 34, 38, 41 and 42 above).

Re claims 10, 32:

the instruction for exception processing comprises an instruction to modify at least one of the trade execution information and the trade allocation information and wherein the system continues processing the trade (see Nelson, col. 1, 11.60-66; col. 4, 11.21+).

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Re claims 12, 33:

the minimum pairing data comprises an indicator of whether shares are being bought or sold, an indicator of a trade date, a security identification, and an indicator of the number of shares traded (see Nelson, col. 1, 11.60-66; col. 4, 11.21+).

Re claims 13, 40:

an affirmation generated by the computer if a match is determined to exist, the affirmation being transmitted to the first trading party and the second trading party confirming that a match has been detected by matching software and containing all data necessary for settling the trade (see Nelson, col. 1, 11.60-66; col. 4, 11.21+).

Re claims 14-18, 24, 35, 43-45:

having a plurality of enrichment databases having enrichment data stored thereon (see Nelson, col. 1, 11.60-66; col. 4, 11.21+).

Re claims 19, 25:

allowing the first trading party and second trading party to access the trade status database in order to view the real-time status of the trade (see Nelson, col. 1, 11.60-66; col. 4, 11.21+).

Re claims 20, 36 and 37:

wherein firSt trading party is a broker and wherein the trade execution information is extracted from an order execution notice received by the computer (see Nelson, col. 1, 11.60-66; col. 4, 11.21+).

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Re claims 21, 22, 46-48:

...Extracting the trade execution information from an order execution notice;...extracting trade allocation information from an allocation;...translating the trade execution information and trade allocation into a usable format (see Nelson, col. 1, 11.60-66; col. 4, 11.21+).

Re claims 49-56:

...transmitting exception notification (see Nelson, col. 1, 11.60-66; col. 4, 11.21+).

(10) Response to Argument

As it has been previously stated, Nelson discloses a system for facilitating the processing and management of a securities trade comprising a computer (see Nelson, figs. 1& 2, col. 3, 11.4-19), trade execution information *supplied by a first trading party and* received by the computer (see Nelson, col. 1, 11.60-66), said trade execution information indicative of an executed trade by *the* first trading party (*buyer*) and comprising party supplied data elements *concerning the conditions of the* ordered trade itself(see Nelson, col. 1, 11.60-66; col. 4, 11.21+). Nelson further discloses trade allocation information received by the computer, the trade allocation information indicative of an ordered trade by a second trading party (*seller*) and comprising trade data concerning one or more details of the ordered trade itself(see Nelson, col. 3, 11.7+), a set of predefined acceptable trade parameters/profiles (see Nelson, figs. 4a-d, col. 3, 11. 5+; col. 4, 11.21+), and software for determining that a match exists if the trade data contained in execution information and the *party supplied data elements"* correlate within the set of predefined acceptable trade parameters (see Nelson, col. 1, 11.48-55; and col. 9, 11.29-41; and

col. 15, 11. 41+). It was previously mentioned that Nelson fails to disclose software executing on the computer for comparing the party *supplied data elements*" contained in said execution information with the trade data contained in the trade allocation information.

Hammons was provided to show software executing on the computer for comparing the party *supplied data elements* contained in said execution information with the trade data contained in the trade allocation information (see Hammons col. 4, 11. 15+). It is maintained that since Nelson does use certain information to match buyers and sellers in a similar way(see Nelson col. 3, lines 7-10; col. 9, 11.29-41), it would have been obvious for an artisan of ordinary skill at the time of the invention to compare the party supplied data elements contained in said execution information because an artisan at the time of the invention would have desired to use the latest technology to accommodate buyers and sellers with various forms of information that would be useful to make secure trades. Thus such a modification would have been an obvious expedient well within the ordinary skill in the art.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Daniel S Felten/

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